

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 21:CR-00166-D-1

**United States of America,**

v.

**Charles Muhammad Cunningham,**

Defendant.

**Order**

At the outset of pro se Defendant Charles Muhammad Cunningham's detention hearing, the United States renewed its request that the court appoint stand-by counsel for the Defendant. Given that there is no constitutional right to stand-by counsel, the court denies the request. *See United States v. Beckton*, 740 F.3d 303, 307 (4th Cir. 2014) ("Although a criminal defendant has both a right to counsel and a right to represent himself, those rights are 'mutually exclusive.'").

If Cunningham has changed his mind about representing himself, he should promptly file a motion for appointment of counsel. Given the difficulties faced by a detained pro se defendant in preparing for trial, the court strongly encourages him to do so. If Cunningham does not make a timely request, he may end up waving his right to be represented by a court-appointed attorney. *See United States v. Cohen*, 888 F.3d 667, 681 (4th Cir. 2018) (discussing a district court's ability to deny tardy requests for court-appointed counsel).

The United States mentioned that Cunningham may be housed in a facility that prohibits him from reviewing audio and video recordings that are relevant to his defense. The court orders the United States Marshal to house Cunningham in a facility where he will be able to review these materials in preparation for trial.

Dated: April 18, 2022



Robert T. Numbers, II  
United States Magistrate Judge